

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PETOSKEY INVESTMENT GROUP, LLC,  
a Michigan limited liability company,

Plaintiff,

v.

BEAR CREEK TOWNSHIP,  
a Michigan municipal corporation,

Defendant.

Case No. 5:03-CV-14

HON. DAVID W. McKEAGUE<sup>1</sup>

**ORDER**

In accordance with the Court's Opinion of even date,

**IT IS HEREBY ORDERED** that plaintiff's motion for partial summary judgment is **DENIED** on Counts II, IV and IX.

**IT IS FURTHER ORDERED** that summary judgment is **GRANTED** in favor of defendant on Counts II and IX. Accordingly, Counts II and IX are hereby **DISMISSED**.

**IT IS FURTHER ORDERED** that Count IV is **DISMISSED** as it is not ripe for adjudication.

**IT IS FURTHER ORDERED** that defendant's motion for summary judgment is **GRANTED**. Accordingly, plaintiff's remaining claims are hereby **DISMISSED**.

Dated: July 27, 2005

/s/ David W. McKeague  
DAVID W. McKEAGUE  
UNITED STATES CIRCUIT JUDGE

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<sup>1</sup> The Hon. David W. McKeague, United States Circuit Judge for the Sixth Circuit Court of Appeals, sitting by designation.